IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.13989 of 2000

Between:

B.Vara Prasad

S/o.late B.Narasimha Rao,

Aged about 38 years,
R/o MCH No.2-2-18-18-3/1,(C-32/6),

Durgabai Deshmukh Colony
Bagh Amberpet,

Hyderabad-500013 (A.P)

..... PETITIONER

AND

State of Andhra Pradesh,
represented by Principal Secretary,

Department of Municipal Administration,
Secretariat, Secretariat Road,

Saifabad,

Hyderabad-500004 (A.P)

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to 1) direct the Respondent to file a comprehensive affidavit explaining the measures being taken at present and to be taken in the future by each and every Municipality and Municipal Corporation in the State of Andhra Pradesh for effective prevention and eradication of increased mosquito menace; 2) to pass such other directions, orders or Writ as may be expedient in the circumstances of the case in the larger interest of people of State of Andhra Pradesh in general and to issue Writ of Mandamus to perform his legal duty.

Counsel for the Petitioner :Mr. B.Vara Prasad, Advocate,

arguing PARTY-IN-PERSON

Counsel for the Respondent: GP FOR MUNCIPAL ADMN. & URBAN DEV.

The Court made the following :

ORDER: (Per Hon'ble the Chief Justice)

Petitioner, who is a resident of Hyderabad, is an Advocate and filed this petition on 28th July, 2000 seeking direction against the respondent to file comprehensive affidavit explaining the measures being taken at present and to be taken in future by each and every Municipality and Municipal Corporation in the State of Andhra Pradesh for effective prevention and eradication of increased mosquito menace. Averments made in the writ petition about the grievance is not based upon the personal knowledge but on the basis of

news-paper cutting, which had been relied upon by the petitioner.

Pursuant to the notice issued in this case, affidavits in reply have been filed by the Municipal Administration from time to time. We will deal with one of the affidavits filed by Smt. Y.Srilakshmi, Director of Municipal Administration, Government of Andhra Pradesh. This affidavit deals with the steps taken at all levels of Municipal Administration from time to time to prevent or eradicate breeding of mosquitoes so as to control spread of infectious diseases like malaria apart from prevention and control of other communicable diseases such as gastroenteritis, Japanese encephalitis etc. It is stated that number of circular instructions have been issued from time to time by the Department of Municipal Administration to Urban Local Bodies to actually supervise the precautionary measures at ground level. Affidavit in reply further states that periodical review is done on the action taken by the Urban Local bodies in order to prevent or eradicate the breeding of mosquitoes and to control spread of infectious diseases. Periodical reviews are undertaken on the basis of analysis of action being taken by all Urban Local Bodies where there are as many as 18 subjects on which periodical review is undertaken. Deponent had further stated that on earlier occasion this Court issued directions in W.P.No.29014 of 1998 filed by Sri Wasim Ahmed Khan and circular instructions thereafter were

issued to Urban Local Bodies. On review made by the Chief Minister on 29-02-2001, Government decided to take necessary action on the action points reviewed. As a result, there has been reduction in all the communicable diseases and malaria achieving 50% reduction in 2002. Action plan is also proposed for complete reduction in future. It is also stated that as per the suggestion of Director of Medical and Health (Malaria and Filaria), Hyderabad, further instructions have been issued to all the Urban Local Bodies and they are implementing instructions of the Government in taking all effective measures for prevention and eradication of communicable diseases.

In view of the affidavit in reply, we are satisfied that adequate steps have been taken by the respondents and there is an action plan which is sought to be implemented for achieving the task of complete eradication of mosquito menace and communicable diseases. As such, no further directions need to be issued in this writ petition, which was initially filed to get information from the respondent on the action plan. Purpose of filing such petition is achieved when some inaction on the part of respondents is brought to the notice of the Court. On the basis of newspaper item, this petition was filed which cannot now be permitted to be expanded in its scope since respondents had placed on record the comprehensive action plan. Therefore, the writ petition stands closed.

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DEVINDER GUPTA, C.J.

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C.V.RAMULU, J

09-08-2004

bsc

To

1. The Principal Secretary, Department of Municipal

Administration, State of Andhra Pradesh, Secretariat,

Saifabad, Hyderabad-500004 (A.P)

2. The Director of Medical and Health (Malaria & Filaria), Hyderabad.

3. The Director of Municipal Administration, Government of A.P.,

Hyderabad.

4. 2 CCs to Govt. Pleader for Municipal Administration and Urban

Development, High Court Buildings, Hyderabad (OUT)

3. 2 CD copies